

REMARKS

In response to the Final Office Action mailed August 19, 2005 in the above-identified application, Applicants respectfully request consideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1 to 28 are pending in this application, of which claims 1, 8 and 14 are independent claims. No claims have been amended herein. The application as presented is believed to be in allowable condition.

A. Claim Rejections Under 35 U.S.C. §102

On page 2 of the Office Action, claims 14-28 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Matulich (U.S. Patent No. 6,188,986). Applicants respectfully traverse these rejections.

Applicants' claim 14 is directed to a lighting system that includes a transducer adapted to receive voice signals and produce corresponding electrical signals. The system also includes a computing device coupled to the transducer. The computing device is adapted to produce addressed control signals in response to the electrical signals. The system also includes a plurality of lighting devices, each capable of producing light of a plurality of colors and each associated with an addressable processor. Each addressable processor is configured to control selected ones of the plurality of lighting devices in response to appropriately addressed ones of the addressed control signals.

Matulich fails to disclose or suggest the system of claim 14. In particular, Matulich fails to disclose or suggest a lighting system in which each lighting device is capable of producing light of a plurality of colors and each lighting device is associated with an addressable processor.

On page 3 of the Office Action, the Examiner asserts that figures 1 and 7A of Matulich allegedly disclose a plurality of lighting devices that are capable of producing multiple colors and which are associated with an addressable processor. Applicants

disagree. The Examiner's assertions in this regard have absolutely no basis in the cited Matulich reference.

Rather, Matulich's disclosure is limited to using a red LED and a green LED to indicate, respectively, when a voice-activated A.C. power transfer device is receiving power from an AC source, and when a valid speech command is received (col. 7, line 66 to col. 8, line 11). At best, Matulich describes two lighting devices (i.e., two individual LEDs) where each lighting device produces a *single* color; alternatively, Matulich describes a *single* lighting device including two LEDs that is capable of producing only two different colors. However, nowhere in the reference does Matulich disclose or suggest *multiple* lighting devices, wherein *each* of the multiple lighting devices is capable of producing multiple colors.

Furthermore and perhaps most significantly, Matulich also fails to disclose or suggest multiple addressable processors to control multiple lighting devices. Matulich merely describes connecting a *single* microcontroller to two indicator LEDs. Nowhere in the reference does Matulich disclose or suggest a system having multiple addressable processors, where each addressable processor is associated with at least one lighting device that is capable of producing a plurality of colors.

For at least the foregoing reasons, Applicants' claim 14 patentably distinguishes over Matulich and is in condition for allowance. Therefore, the rejection of claim 14 should be withdrawn.

Claims 15 to 28 depend from claim 14, and hence are allowable based at least upon their dependency.

B. Claim Rejections under 35 U.S.C. § 103(a)

On page 3 of the Office Action, claims 1 to 13 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matulich in view of Morrison (U.S. Patent No. 6,241,362). Applicants respectfully traverse these rejections.

1. The Examiner's Stated Basis for the Combination of Matulich and Morrison is Improper

As set forth in MPEP §2143, three criteria must be met in order to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the cited references or to combine reference teachings. Second, there must be a reasonable expectation of success. The teachings or suggestion to modify the references or to combine reference teachings, as well as the reasonable expectation of success, must both be found in the prior art and not based on Applicants' disclosure. Third, the prior art references, when viewed as a whole, must teach or suggest all of the claimed features.

In the Office Action, the Examiner fails to specify any reasonable or compelling motivation to combine these references, and completely fails to discuss the reasonable expectation of success in making such a combination.

Instead, on pages 4 and 5, the Office Action merely alleges that:

Matulich et al. and Morrison are analogous art because they are from the same field of endeavors, [therefore] it would have been obvious to one of ordinary skill in the art at the time of invention to modify Matulich et al. by incorporating the teaching of Morrison in order to provide a most pleasing, relaxing, interesting and entertaining means of displaying translucent articles, candles, statuary, etc...

As discussed in greater detail below, the alleged motivation provided by the Examiner for modifying Matulich with the teachings of Morrison is not legally tenable.

Moreover, the Office Action fails to specify any indication, either in the references themselves or in the knowledge generally available in the art, of a reasonable expectation of success in combining Matulich and Morrison. Most notably, the Office Action completely fails to specify or suggest in any manner *how* one of ordinary skill in the art would practically and realistically combine various elements of Matulich and Morrison to successfully arrive at something that would even remotely resemble the subject matter of Applicants' claims.

In view of the foregoing, the Office Action fails to establish a *prima facie* case of obviousness based on the combination of Matulich and Morrison, as both motivation and a reasonable expectation of success are lacking. Accordingly, the Examiner's stated basis for combining Matulich and Morrison is improper, and therefore the rejections of claims 1 and 8 under 35 U.S.C. §103(a) should be withdrawn.

Following below are summaries of the Matulich and Morrison references, as well as a more detailed discussion of the impropriety of the Examiner's position regarding a combination of these references.

2. There is No Motivation to Combine Matulich and Morrison and No Reasonable Expectation of Success

Matulich and Morrison address two unrelated problems and solve their respective problems by unrelated solutions.

First, Matulich is concerned primarily with solving the problem of conveniently providing conventional A.C. power to household lighting or appliances. To this end, Matulich teaches a solution in which such power is provided in response to speech commands. To facilitate Matulich's approach, Matulich provides a user with a clear indication of when speech commands may be received, and when a received command is determined valid. In particular, Matulich places an indication device on a user interface circuit which is plugged into a wall outlet, for example; this indication device includes a single red LED to indicate that A.C. power is available and speech commands may be received, and a single green LED to indicate the receipt of a valid speech command (col. 12, lines 3-14). Thus, the two LEDs in Matulich provide basic indication information to the user in a manner that otherwise "does not affect the operation of the device" (col. 8, lines 1-3).

In contrast to Matulich, Morrison is concerned primarily with the problem of providing more pleasing decorative or ornamental display objects. Morrison provides a solution in which the appearance of a decorative object is periodically altered with variable colored light, in order to provide a refreshing change for persons who live and work daily in

the environment of such decorative objects (col. 1, lines 16-35). Morrison facilitates this solution by placing multicolored LEDs inside the object. Unlike Matulich's utilitarian purpose of status indication, Morrison's LEDs provide the purely aesthetic function of lighting decorative objects with colored lights.

In view of the foregoing, one of ordinary skill in the art simply would have no motivation, based on the references themselves or the knowledge generally available to those skilled in the art, to combine Matulich and Morrison in the manner suggested by the Examiner.

In fact, the Office Action concedes, on pages 4 and 5, that:

Matulich et. al. fails to specifically disclose or suggest at least one lighting device comprising at least a first lighting source adapted to emit light of a first color and a second light source adapted to emit light of a second color, the first color being different than the second color, the at least one light device being configured to combine at least the light of the first color and the light of the second color to produce at least a third color.

The Office Action alleges, however, that it would have been obvious to incorporate into Matulich colored LEDs that are capable of blending three primary colors to produce a different color "in order to provide a most pleasing, relaxing, interesting, and entertaining means of displaying translucent articles, candles, statutory, etc...". See pages 4-5 of the Office Action.

First, and perhaps foremost, the alleged motivation proffered by the Office Action for combining Matulich and Morrison has absolutely no basis in the references viewed as a whole. In fact, Matulich essentially *teaches away* from the Examiner's stated application of Morrison. Matulich endeavors to "limit user frustration" by energizing the red or green indicator LEDs in a predetermined manner so as to clearly convey status information to an individual who voices speech commands. Absolutely no motivation exists for randomly changing the color of the indicator LEDs in Matulich so as to provide "a most pleasing, relaxing, interesting, and entertaining means" of display, as the Examiner contends. To the

contrary, further changing the LEDs' color in Matulich would likely *confuse* users, and thus increase their frustration—a direct contradiction to Matulich's above-stated purpose.

Second, it is noteworthy that the Office Action fails to provide any methodology for practically and realistically applying any features of Morrison to modify Matulich, nor does the Examiner provide any example of a reasonable expectation of success in making any such modification. Instead, the Office Action merely provides a general, sweeping and inappropriate assertion of an alleged motivation to combine the references, without any specific support.

In view of the foregoing, it is entirely unclear from the Matulich and Morrison references how the different elements of these references would realistically be combined to provide a viable functioning device. Not only do the references, when viewed as a whole, fail to provide any such teaching, suggestion or motivation, but furthermore the Office Action provides no insight as to how to practically and successfully implement such a combination.

For at least the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness, and therefore the combination of Matulich and Morrison is improper. Thus, the rejections of claims 1 and 8 under 35 U.S.C. §103(a) as allegedly being obvious over Matulich in view of Morrison should be withdrawn.

Claims 2 to 7 and 9 to 13 depend from one of claims 1 and 8, and hence are allowable based at least upon their dependency.

C. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

PATENTS
Serial No.: 09/917,294
Confirmation No.: 8101
Attorney Docket No. CKB-075.01
(f/k/a C1104/7075)

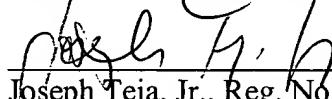
D. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448, reference CKB-75.01.

Respectfully submitted,



Joseph Teja, Jr., Reg. No. 45,157
Ruth J. Ma., Reg. No. 55,414
Attorneys for Applicants
Tel. No. (617) 832-1183
Fax. No. (617) 832-7000

Date: November 21, 2005
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600